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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**GARY L. COOPER**  
Junior Party  
(Application 10/245,540)<sup>1</sup>

v.

**MATHEW A. McPHERSON**  
Senior Party  
(Patent 6,321,736)<sup>2</sup>

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Patent Interference No. 105,284

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Before LEE, SPIEGEL and MOORE, Administrative Patent Judge.

LEE, Administrative Patent Judge.

**Judgment – Bd. Rule 127(b)**

The parties have jointly filed a paper titled “JOINT MOTION REQUESTING TERMINATION” (Paper No. 32). In that paper, McPherson represents that it will no longer file a motion to add Cooper’s claims 2-9 to the interference, which is understood to mean that it will

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<sup>1</sup> Filed September 17, 2002.

<sup>2</sup> Based on Application 09/502,354, filed February 11, 2000.

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not file a motion to designate Cooper's claims 2-9 as corresponding to the count. Cooper states that it abandons the contest, which is construed as a request for entry of adverse judgment.

The joint motion incorporating Cooper's request for entry of adverse judgment is **granted**. It is

**ORDERED** that judgment as to the subject matter of Count 1 is herein entered against junior party GARY L. COOPER;

**FURTHER ORDERED** that junior party GARY L. COOPER is not entitled to its application claims 1 and 10 which correspond to Count 1;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

**FURTHER ORDERED** that a copy of this judgment be placed in the respective involved application or patent of the parties.

/ss/ Jameson Lee	)	
JAMESON LEE	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
/ss/ Carol A. Spiegel	)	BOARD OF PATENT
CAROL A. SPIEGEL	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
/ss/ James T. Moore	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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